(9) When auction sales were adjourned from day to day, a process fee of 2½ fs. was realised for each day, but when it was adjourned to a different date altogether, a sum of 14 fs. was realised. It should be changed to 2½ fs.

(10) There was no uniformity in the practice of realising tom-tom charges. A fixed rate of 2 chs. might be adopted.

(11) The practice of sending the decrees of one Munsiff's Court to another through the District Court entailed unnecessary delay. One Munsiff's Court should be permitted to send the decrees direct to another.

(12) In the matter of extending the period fixed for warrant of arrest, a party was required to pay 7 chs. per day, whether it was in a civil suit or a small cause suit. The amount realised in the first instance for the issue of the warrant was only 5 fs. and 2½ fs., respectively, in civil and small cause suits. At that rate the amount to be fixed for a single day would be 5 chs. and 2½ chs., respectively. The present rate of 7 chs. was a hardship to the parties and should be reduced.

(13) The existing practice of limiting the period of mohusul to 15 days was a source of difficulty. The time should be extended whenever the opposite party agreed to such extension.

(14) The production of encumbrance certificates did no useful purpose either to the auction purchaser or to the party. The system might well be done away with.

(15) Applications for divorce under the Nair Regulation were being filed in the Munsiffs' Courts, while, [illegible] the Suits Valuation Regulation and Civil Circular No. 3 of 1085, suits for divorce, etc., [illegible] ascertained in the District Courts alone. Similarly, while a suit was filed in the Munsiff's Court [illegible] aside a document executed by a Karnavan and finding recorded, a different finding [illegible] might be come to in a District Court where also a suit might be brought for [illegible] the same Karnavan. The sum of B. Rs 2,000 mentioned in the circular referred to should therefore be altered into Sirkar Rupees 2,000 so as to give the Munsiff's Court jurisdiction in respect of both classes of cases.

Dewan's reply.—All the suggestions made by the Member will be referred to the High Court for their opinion.

49. Mode of execution of decrees of foreign courts.

Mr. Ousep Thommi (Member, Trading Classes, Changanachery) said that decrees of Travancore courts could be executed in the Cochin and British Indian courts only under certain conditions. In cases, for instance, where the decisions were *ex-parte* and not on the merits, the decree-holders had to institute fresh suits in those courts. But no such restrictions were imposed in the case of foreign decrees brought to Travancore courts for execution. Prior to the passing of Regulation IV of 1061, suits had to be instituted and the judgment-debtors had an opportunity of contesting such suits. With the passing of the Regulation, the judgment-debtors' right of contesting practically came to an end and they were put to unnecessary trouble and expense in seeking to set aside the *ex-parte* decisions in the foreign courts. The decisions of the High Court were also against raising such contentions in the execution of foreign decrees in the Travancore courts. The wording of Regulation IV of 1061 and of the corresponding enactments in Cochin and British India were the same, but the hardship arose out of the interpretation of the provisions by the Travancore courts. The Member therefore requested that the same procedure should be followed here, and if any amendment of the Regulation was considered necessary, it should be made.

Dewan's reply.—The representations of the Member will be referred to the High Court for remarks.

50. Desirability of investing all District Munsiffs with power to grant succession certificates under Regulation IX of 1090.

Mr. K. Sankara Pillai (Member, T. I. C., Alleppey) said that the subject of litigation in the State was, in more than 90 per cent of cases, valued at less

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than Rs. 2,000 and that Regulation IX of 1090 required the parties to apply to the District Court for obtaining succession certificates without regard to the amount for the realisation of which they were applied for. The parties had in many cases to travel long distances and incur additional expenditure under process fees and vakil's fees. Again, a party who had to appeal against the order of the District Court had to prefer it to the High Court at considerable trouble and expense. In Section 26 of the British Indian Act, VII of 1889, provision was made to invest courts inferior to District Courts with the functions of a District Court under the Act and also to confer the appellate powers, which ordinarily lay in the High Court, on the District Court. The Munsiff's Courts and the District Courts had accordingly been invested with the original and appellate powers in British India under that Act. The same course was adopted in Cochin also. The Travancore Regulation also contained the same enabling provision in Section 27 and all that had to be done was to take action under the section. The Member therefore requested that all the Munsiffs of the State might be invested with the power of granting succession certificates under the Regulation.

Dewan's reply.—The Government are in sympathy with what the Member says. Though it may not be desirable to invest *all* the Munsiffs with the powers of a District Judge under the Regulation immediately, it is necessary to invest some at least of the Munsiffs with the power. A few select Munsiffs will be invested with this jurisdiction, in consultation with the High Court.

51. Necessity for raising the pecuniary jurisdiction of the Devicolam District Munsiff.

Mr A. J. Wright (Member, Kannan Devan Planters' Association) said that the subject was brought up by him at the last session of the Assembly and, in the Government order on his representation of 1067 it was said that the High Court deemed it inexpedient to raise the pecuniary jurisdiction of the Devicolam Munsiff. The Member requested that copies of such decisions and the probable reasons for that view might be the want of precedent and the additional cost. As for the precedent, he referred to the Civil Courts' Act, XII of 1887, relating to the special jurisdiction of certain officers in Bengal, North West Provinces and Assam and said that it recognised the principle and provided for doubling the Special Munsiff's pecuniary jurisdiction by a notification. Similarly, the Devicolam Munsiff might be made a Special Munsiff and given special jurisdiction. It might be necessary to transfer a higher grade Munsiff to Devicolam for the purpose, but the present Munsiff was still at the disposal of Government and no new man had to be appointed.

Dewan.—It is not a question of cost. Apparently, what the High Court thought was, and I believe they were right, that, with the special jurisdiction you suggest, a senior Munsiff will necessarily have to be sent there because it involves greater responsibility, and there will not be work enough for the officer.

The Member then said that more than 25,000 coolies were recruited from British India for work in the Estates and the advance to them amounted to more than three lakhs of rupees. The only security the Planters now had was the security afforded by civil courts. It took four days to go to the Parur District Court and the batta for a first class witness would come to Rs. 120. It was therefore impracticable for them to go to Parur. The next alternative was either to advance sums less than Rs. 2,000 to each contractor of coolies or to forego the sums in excess of Rs. 2,000 in filing suits in the Munsiff's Court to bring them within its jurisdiction. The first of the alternatives could not be adopted as that would increase the number of coolies available. The second was therefore often resorted to and on that account, they had to forego, during the past six years, Rs. 8,731 in small suits or nearly 25 % of the value of those suits. The fact that such a large sum was relinquished was conclusive proof of their hardships.

Another difficulty was in respect of cardamom lands. The annual profit from an acre of cardamom lands being taken at the lowest at Rs. 500, suits could now be brought only in respect of four acres of land. Consequently, very few property suits could now be instituted by the Planters.

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